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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 MERCURY CASUALTY COMPANY, a  
15 California Corporation

16 2:23-cv-02082-JCM-EJY

17

18 **[PROPOSED] ORDER**  
19 **GRANTING MOTION TO**  
20 **SERVE DEFENDANTS BY**  
21 **PUBLICATION**

22 Plaintiff,

23 v.

24 HAIYAN XU, an individual; VICTORIA  
25 HARBOR INVESTMENTS, LLC, a Nevada  
26 Limited Liability Company; DOES 1-10,  
27 inclusive

28 Defendants

29

30 **I. DISCUSSION**

31 Federal Rule of Civil Procedure (“FRCP”) 4(m) allows the Court to extend  
32 time to effect service when good cause is shown that reasonable efforts to effect  
33 service are undertaken by a plaintiff. FRCP 4(e) allows a party to seek service of a  
34 defendant “by ... following state law for serving a summons in an action brought in  
35 courts of general jurisdiction in the state where the district court is located ....”

36 Nevada Rule of Civil Procedure (“NRCP”) 4.4 allows service through alternative

1 means so long as certain procedural steps are undertaken. Plaintiff's repeated  
2 service attempts at multiple addresses show Plaintiff was diligent in attempting to  
3 serve Defendants.

4 **II. ORDER**

5 Therefore, in accordance with the federal and state rules pertaining to  
6 service of process, this Court **GRANTS** Plaintiff's motion to serve Defendants by  
7 publication. Plaintiff shall serve Defendants by publishing the following notices in  
8 Nevada Legal News, which is a publication within the state where Defendants were  
9 last known to reside and is reasonably calculated to give the defendant actual  
10 notice of the proceedings. Said notices shall first be published on March 11, 2024,  
11 and shall be published once per week thereafter for a total of four weeks. NRCP  
12 4.4(c)(2)(A).

13 **A. Proposed Language For Service Upon Haiyan Xu Pursuant to  
14 NRCP 4.4(c)(2)(C)**

15 Plaintiff shall use the following language in the notice published for Haiyan  
16 Xu:

17 To: Haiyan Xu

18 A lawsuit has been filed against you by Mercury Casualty  
19 Company. Mercury seeks a declaratory judgment that there is no  
coverage for injury claims made by Tuan Ta under a policy of  
insurance issued by plaintiff to you with policy number  
NVHP0000025984.

20 The date of first publication of this notice is March 11, 2024, and it  
21 will be published weekly through April 1, 2024. Pursuant to NRCP  
22 4.4(c)(4)(C)(i), service is complete on April 8, 2024. You must serve  
23 on the plaintiff an answer to the attached complaint or a motion  
under Rule 12 of the Federal Rules of Civil Procedure by April 29,  
2024 (21 days of completion of service). The answer or motion must

1 be served on the plaintiff or plaintiff's attorney, whose name and  
2 address are: Mercury Casualty Company, c/o Sean D. Cooney, Esq.,  
3 4045 Spencer St. Ste. A47, Las Vegas, NV 89119

4 If you fail to respond, judgment by default will be entered against  
5 you for the relief demanded in the complaint. You also must file  
6 your answer or motion with the court.

7

8 **B. Proposed Language For Service Upon Victoria Harbor  
9 Investments, LLC Pursuant to NRCP 4.4(c)(2)(C)**

10 Plaintiff shall use the following language in the notice published for Victoria  
11 Harbor Investments:

12 To: Victoria Harbor Investments, LLC

13 A lawsuit has been filed against by Mercury Casualty Company.  
14 Mercury seeks a declaratory judgment that there is no coverage for  
15 injury claims made by Tuan Ta under a policy of insurance issued  
16 by plaintiff to you with policy number NVHP0000025984.

17 The date of first publication of this notice is March 11, 2024, and it  
18 will be published weekly through April 1, 2024. Pursuant to NRCP  
19 4.4(c)(4)(C)(i), service is complete on April 8, 2024. You must serve  
20 on the plaintiff an answer to the attached complaint or a motion  
21 under Rule 12 of the Federal Rules of Civil Procedure by April 29,  
22 2024 (21 days of completion of service). The answer or motion must  
23 be served on the plaintiff or plaintiff's attorney, whose name and  
address are: Mercury Casualty Company, c/o Sean D. Cooney, Esq.,  
4045 Spencer St. Ste. A47, Las Vegas, NV 89119

17 If you fail to respond, judgment by default will be entered against  
18 you for the relief demanded in the complaint. You also must file  
19 your answer or motion with the court.

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1 On or before March 11, 2024, Plaintiff shall also mail a copy of the summons  
2 and complaint to Ms. Xu at 3245 Lindell Rd., Las Vegas, Nevada, 89146. Since the  
3 registered agent for Victor Harbor Investments claims it no longer serves in that  
4 capacity, and since Ms. Xu is the only known member of defendant Victoria Harbor  
5 Investments, LLC, Plaintiffs shall also mail a copy of the summons and complaint  
6 to Victoria Harbor Investments at the same address.

7  
8 DATED this 5th day of March, 2024.

9  
10   
11 Layna J. Zouchah  
12 UNITED STATES MAGISTRATE JUDGE



CARMAN COONEY FORBUSH  
PLLC